

REMARKS

In the Office Action, the Examiner rejected claims 1, 6, 7, 10, 12-15, and 17-26. Additionally, in the Office Action Summary, the Examiner indicated that claims 2-5, 8, 9, and 16 were objected to. Specifically, the Examiner stated that claims 5, 8, 9, and 16 were objected to for dependence on a rejected base claim and that claims 5, 8, 9, and 16 contained allowable subject matter. However, in the body of the Office Action, the Examiner failed to call out the basis of the objection for claims 2-4 and rejected claim 8, which was previously indicated as containing allowable subject matter. Applicants thank the Examiner for noting the allowable subject matter in the pending claims. However, Applicants believe that the Examiner intended to object to claims 2-5, 8, 9, and 16 for dependence on rejected base claims. In light of these apparent inconsistencies, Applicants respectfully request clarification of the Examiner's objections and rejections. In any event, Applicants respectfully assert that the instant claims are patentable and are in condition for allowance. Accordingly, claims 1-10 and 12-26 remain pending. Applicants respectfully request reconsideration and allowance of the pending claims in light of the following remarks.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 6, 7, 12, 13-15, 17, 22-24 and 26 under 35 U.S.C. § 102(e) as being anticipated by the Tripathy, U.S. Pat No. 6,149,158. Specifically, the Examiner stated:

Re claims 1, 13, 14, 22-24 and 26, Tripathy discloses a bearing assembly comprising a bearing insert (16), a bearing housing (12) adapted to house the bearing insert, a cover (30) removably securable to the bearing housing and a rotatable flinger (32, 34) secured to the cover, the flinger having a first opening therethrough, the first opening being adapted to receive a rotatable shaft (14) and to enable the rotatable flinger to form a compression seal against the rotatable shaft and an outer flange (62) disposed external to

the cover capable of flinging material that comes into contact with the outer flange away from the bearing assembly.

Re claims 6 and 7, Tripathy discloses wherein the bearing insert comprises a plurality of ball bearings. (Figure 1)

Re claim 12, Tripathy discloses wherein the cover (30) is adapted to form an interior volume when secured to the bearing housing to the same extent as applicant's invention.

Re claim 15, Tripathy discloses wherein the rotatable member (32, 34) comprises an inner flange and an outer flange (62, 48), the inner and outer flanges being disposed on opposite sides of the cover to secure the rotatable member to the cover.

Re claim 17, Tripathy discloses wherein grease forms a seal between the rotatable member and the cover. (Column 3, lines 17-20)

Paper No. 12, pages 2-3. Applicants respectfully traverse the rejection. Simply put, Applicants respectfully assert that the Tripathy reference does not disclose all of the features recited by the instant claims.

A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Indeed, "the identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

The present invention relates to a sealing assembly for forming a seal between a bearing housing and a rotatable shaft. According to one embodiment, the present invention provides a removable cover that is securable to the bearing housing and a *rotatable member that is securable to the cover* and that is adapted to receive the

rotatable shaft through the rotatable member. *See* Application, page 3, lines 2-4. The rotatable member is configured to form a seal against the rotatable shaft and to rotate with the shaft to maintain the seal. *See id.* at lines 4-6. Advantageously, the rotatable member may function as a flinger that uses centrifugal force to throw clear of the housing and shaft any liquids or particulates that come into contact with the rotatable member. *See id.*, page 5, lines 25-27. With this in mind, Applicants respectfully assert that the cited reference does not anticipate the instant claims.

Independent Claim 1 and the Claims Depending Therefrom

Independent claim 1 recites:

...a bearing insert;
a bearing housing adapted to house the bearing insert;
a cover removably securable to the bearing housing; and
a rotatable flinger secured to the cover, the rotatable flinger
comprising:
a first opening therethrough, the first opening being
adapted to receive a rotatable shaft and to enable the
rotatable flinger to form a compression seal against
the rotatable shaft; and
an outer flange disposed external to the cover to fling
material that comes into contact with the outer flange
away from the bearing assembly.

(Emphasis added). Applicants respectfully assert that the Tripathy reference does not disclose all of these recited features.

The Examiner indicated that enumerated element 32 of the Tripathy reference discloses a rotatable flinger as recited in the instant claims and that element 30 of Tripathy discloses a cover as recited in the instant claims. Regarding elements 30 and 32, Tripathy states:

The wear sleeve 32 is formed with an integral annular flange or collar 60 provided on the axially outer end of the wear sleeve 32. The flange 60 extends radially outwardly of the body 54 to a *free end* portion 62 thereof and preferably beyond a radially inner edge

63 of the carrier member 30. *The free end portion 62 is preferably turned axially inwardly toward the carrier member 30 and is spaced axially therefrom by an annular clearance gap 64.* An axially inner face 66 of the flange 60 defines a secondary sealing surface 66 of the wear sleeve 32 disposed adjacent to and extending transversely, and preferably perpendicular to, the main sealing surface 58.

Tripathy, column 4, lines 25-37. (Emphasis added). Thus, the wear sleeve 32 has a flange 60 that extends to a *free end*. See Tripathy, Figure 1. As is evident from Figures 1 and 4 of the Tripathy reference, the free end 60 is not secured to the carrier member 30, because it terminates prior to any interaction with the carrier member 30. See *id.* Thus, the wear sleeve 32 is not secured to or by the carrier member 30.

Additionally, the Examiner indicated that enumerated element 34 of Tripathy discloses the flinger as recited in the instant claims. Regarding item 34, Tripathy states, "...one of the split sections 48 of the *sealing disk 34 is fixed to the carrier member 30* and the other split section 50 and the unsplit section 52 are supported in sealing engagement with the secondary and primary sealing surfaces 66, 58." Tripathy, column 4, lines 38-42; see also Tripathy, Figs. 4-5. (Emphasis added). Thus, in the Tripathy device, because the sealing disk 34 is *fixed* to the carrier member 30, the sealing disk 34 *does not rotate* with respect to the carrier member 30 and is, as such, a stationary item. Accordingly, the sealing disk 34 of Tripathy is not a *rotatable* element.

Because element 32 of Tripathy is not secured to the carrier member 30 or because element 34 of Tripathy is not a rotatable member, the Tripathy reference is absolutely devoid of any semblance of a *rotatable flinger secured to a cover* as recited in the instant claims. Thus, the cited reference does not disclose all of the features recited in the instant claims.

Therefore, Applicants respectfully assert that independent claim 1 and its respective dependent claims 2-10 and 12 are not anticipated by the Tripathy reference. In light of the

foregoing remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 13 and the Claims Depending Therefrom

Independent claim 13 recites:

...a cover removably securable to a bearing housing;

and

a rotatable member *securable to the cover* and adapted to receive the rotatable shaft therethrough, the rotatable member being configured to form a seal against the rotatable shaft and to rotate therewith to fling liquids or solids that come into contact with the rotatable member away from the cover.

(Emphasis added). Applicants respectfully assert that the cited reference does not disclose all of the above features.

For example, as discussed above, the Tripathy reference does not disclose a *rotatable member securable to the cover*. As discussed above, neither of the items cited by the Examiner, namely elements 32 and 34 of Tripathy, teach a rotatable member securable to a cover. Rather, element 32 is not securable to the carrier member 30, and element 34 is fixedly attached to the carrier member 30 and, thus, is not rotatable. Therefore, the Tripathy reference is absolutely devoid of a *rotatable member securable to a cover*.

Accordingly, Applicants respectfully assert that the cited reference does not anticipate independent claim 13 and its respective independent claims 14-21. In light of the foregoing remarks, reconsideration and allowance of the instant claims are respectfully requested.

Independent Claim 22 and the Claims Depending Therefrom

Independent claim 22 recites:

...engaging a rotatable shaft with a flinger operable to rotate with the rotatable shaft and form a compression seal therewith;

positioning the rotatable shaft through a portion of a bearing insert;

rotatably securing the flinger to a removable cover by disposing the cover between an inner flanged portion of the flinger and an outer flanged portion of the flinger; and

securing the cover to a bearing housing.

(Emphasis added).

The instant claim recites *rotatably securing the flinger to a removable cover*. As discussed above, Tripathy does not disclose a rotatable flinger secured to a cover. Because Tripathy does not disclose every element of claim 22, Applicants respectfully assert that the cited reference does not anticipate the instant claim. Accordingly, Applicants respectfully assert that independent claim 22 and its respective dependent claims 23-26 are patentable over the cited reference. In light of the foregoing remarks, reconsideration and allowance of the instant claims are respectfully requested.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected:

dependent claims 8, 19-21 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Tripathy as applied above in view of Motsch;

dependent claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Tripathy as applied to claim 1 in view of Tooley; and

dependent claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Tripathy in view of Uhen.

Applicants respectfully traverse the rejections. Simply put, the cited references, taken alone or in combination, do not disclose all of the features recited by the instant claims.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case of obviousness, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).


As discussed above, the Tripathy reference does not disclose all of the features recited by independent claims 1, 13, or 22 from which claims 8, 10, 18, 19-21, and 25 depend. All the reference combinations cited by the Examiner rely on Tripathy to provide a rotatable flinger or rotatable member secured to a cover. But for the reasons discussed above, Tripathy does not contain a rotatable flinger or rotatable member. Additionally, there is no reason to believe that the Motsch, Tooley or Uhen references obviate the deficiencies of the Tripathy reference as discussed above. Accordingly, Applicants respectfully assert that dependent claims 8, 10, 18, 19-21, and 25 are patentable over the reference combinations cited above. Because the cited references, taken alone or in combination, fail to disclose all the recited features of the instant claims, Applicants respectfully assert that the cited references fail to render the instant claims obvious.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Date: January 5, 2004

Respectfully submitted,



Manish Vyas

Reg. No. 54,516
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545

CORRESPONDENCE ADDRESS
ALLEN-BRADLEY COMPANY, LLC
Patent Department/704P Floor 8 T-29
1201 South Second Street
Milwaukee, Wisconsin 53204
Attention: Mr. Alexander Gerasimow
Phone: (414) 382-2000